

TUCKER ELLIS & WEST LLP
PETER KOENIG – STATE BAR NO. 132437
BRIAN T. CLARK – STATE BAR NO. 184003
JEFFREY A. HEALY – (ADMITTED PRO HAC VICE)
SCOTT J. KELLY –STATE BAR NO. 210747
One Market Street, Steuart Tower, Suite 1300
San Francisco, CA 94105
Telephone: 415.617.2400
Facsimile: 415.617.2409

Attorneys For Defendant and Counterclaimant
E-Z-GO, a division of TEXTRON INC.

HARRY G. LEWIS –STATE BAR NO. 157705
JOHN C. BROWN –STATE BAR NO. 195804
CORNERSTONE LAW GROUP
595 Market Street, Suite 2360
San Francisco, CA 94105
Telephone: 415.974.1900
Facsimile: 415.974.6433

Attorneys for Plaintiffs and Counterdefendant TK
Power, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TK POWER, INC.

Plaintiff,

v.

TEXTRON, INC.

Defendant.

TEXTRON INC., a Delaware Corporation,

Counterclaimant,

v.

TK POWER, INC., a Nevada Corporation,

Counterdefendant.

Case No. C-04-5098 EMC

Judge: Hon. Edward M. Chen

**STIPULATION TO VACATE
PRELIMINARY VERDICTS AND TO
DISMISS ENTIRE ACTION WITH
PREJUDICE**

Plaintiff TK Power, Inc. and Defendant Textron, Inc., by and through their respective

Stipulation to Vacate Preliminary Verdicts and to
Dismiss With Prejudice; C-04-5098 EMC

undersigned counsel, hereby stipulate and agree that the preliminary verdicts entered in this matter by the Hon. Edward M. Chen on October 3, 2006 be vacated.

The parties further stipulate and agree, by and through their respective undersigned counsel, that, immediately subsequent to vacation of the verdicts, this matter be dismissed with prejudice, each party to bear its own costs, pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii).

IT IS SO STIPULATED.

DATED: October 4, 2006

TUCKER ELLIS & WEST LLP

By: _____/S_____
Jeffrey A. Healy
Attorneys for Defendant E-Z-GO, a
division of TEXTRON INC.

CORNERSTONE LAW GROUP

By: _____/S_____
John C. Brown
Attorneys for Plaintiff TK POWER, INC.

ORDER

Pursuant to the foregoing stipulation, IT IS ORDERED that the preliminary verdicts entered in this matter by the Hon. Edward M. Chen on October 3, 2006 be vacated. Further, pursuant to the parties' Stipulation above, IT IS ORDERED that, immediately subsequent to vacation of the verdicts, this matter be dismissed with prejudice, each party to bear its own costs, pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii).

Dated: October 6, 2006

